



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Rescinding Resolution No. 2005-264 Regarding SBC Encroachment Condition

MEETING DATE: March 1, 2006 City Council Meeting

PREPARED BY: City Attorney

RECOMMENDED ACTION: Rescind Resolution No. 2005-264 regarding SBC Encroachment Condition

BACKGROUND INFORMATION: Council adopted an encroachment permit condition for SBC's Project Lightspeed on December 21, 2005. Subsequently, the 9th Circuit issued its decision in Sprint v. City of La Canada Flintridge which may impact the Council's action. Staff therefore requests that Council rescind Resolution No. 2005-264 to permit further legal analysis.

FISCAL IMPACT: None

FUNDING AVAILABLE: Not Applicable.


Steve Schwabauer, City Attorney

APPROVED:



Blair King, City Manager

RESOLUTION NO. 2006-35

A RESOLUTION OF THE LODI CITY COUNCIL
RESCINDING RESOLUTION NO. 2005-264 RELATING
TO THE APPROVAL OF THE SBC ENCROACHMENT
PERMIT CONDITION (VIDEO PROGRAMMING
LIMITATION) FOR NEW FACILITIES INSTALLATIONS

WHEREAS, the Lodi City Council adopted Resolution No. 2005-264 at its meeting held December 21, 2005, approving an encroachment permit condition for SBC's Project Lightspeed Project; and

WHEREAS, subsequently, the 9th Circuit issued its decision in *Sprint v. City of La Canada Flintridge*, which may impact the Council's action; and

WHEREAS, staff therefore requests that Council rescind Resolution No. 2005-264 to permit further legal analysis.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby rescinds Resolution No. 2005-264 relating to the approval of the SBC Encroachment Permit Condition (Video Programming Limitation) for new facilities installations and its inclusion on all future SBC Encroachment Permits issued for facilities installation.

Dated: March 1, 2006

I hereby certify that Resolution No. 2006-35 was passed and adopted by the Lodi City Council in a regular meeting held March 1, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Johnson, Mounce, and
Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Hansen

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk